

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 22-cr-20187  
Hon. Thomas L. Ludington

-vs-

Ricardo Delgado, D-1,

Defendant.

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**DEFENDANT (D1) RICARDO DELGADO’S  
MOTION TO SUPPRESS  
AND REQUEST FOR HEARING**

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**NOW COMES** Defendant Ricardo Delgado, II by and through his attorney Edward Martell, Esq., and respectfully requests this Honorable Court to enter an order for hearing and to suppress any and all evidence obtained from and derivative of the search of 3390 Dixie Ct., Saginaw Michigan.

Defendant has standing to challenge the admission of this evidence as the Defendant is an “aggrieved person” pursuant to USC 2510(11). The Defendant had mail and personal effects within the residence to which he had an expectation of privacy.

Specifically, Defendant Delgado is requesting that the Court enter an Order suppressing the search as well as the poisonous fruit thereof. Evidence to be suppressed includes but is not limited to:

- a. Any and all evidence obtained as a result of the search of the residences, vehicles, or otherwise, located at or near 3390 Dixie Court, Saginaw, Michigan.

Notably, this search warrant was obtained utilizing an affidavit which was vague, nebulous, and conclusory in nature, and had absolutely zero direct nexus to any criminality.

The affidavit referenced a number of purported occasions during which Defendant D1 – Delgado allegedly met with his supplier. However, these allegations are without merit, unsubstantiated, and undeniably made in reckless disregard for the truth.

Furthermore, pole camera footage, which is still outstanding, is referenced in furtherance of this warrant. Based upon this, preserving this issue until receipt and review of outstanding discovery, is appropriate.

Pursuant to Local rule 7.1, Defense has sought concurrence from the Government, however, unsuccessfully. Therefore, we humbly submit Defendant's Motion to Suppress for this Honorable Court's review and consideration.

**WHEREFORE**, Defendant Ricardo Delgado respectfully requests that this Honorable Court conduct a *Franks* hearing on these matters, and enter an Order

suppressing all evidence, as well as the poisonous fruit thereof; and prohibit introduction into evidence or any references thereto at the trial of these matters.

Respectfully submitted,

*s/ Edward Martell, Esq.*

EDWARD MARTELL, ESQ.

Attorney for D-1 Ricardo Delgado, II

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Dated: June 16, 2023

**UNITED STATES DISTRICT COURT  
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United States of America,

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**BRIEF IN SUPPORT OF  
DEFENDANT (D1) RICARDO DELGADO'S  
MOTION TO SUPPRESS  
AND TO REQUEST FOR HEARING**

**ISSUES PRESENTED:**

- I. Pursuant to *Franks v. Delaware*, a search warrant affidavit must not include statements made in reckless disregard for the truth. Here, the Government submitted multiple exaggerated statements, which absence these statements, the affidavits fall woefully short of probable cause. Is Defendant Delgado (D1) entitled to a hearing under *Franks v. Delaware*, 438 U.S. 154 (1978).

**STATEMENT OF CONTROLLING AUTHORITIES:**

- I. *Franks v. Delaware*, 438 U.S. 154 (1978), is the controlling authority for determining whether a hearing is required to present evidence regarding statements made by an affiant that included false statements or material omissions. *See also United States v. Pirosko*, 787 F.3d 358, 369 (6th Cir. 2015).

**ARGUMENT:**

**I. STATEMENTS MADE IN RECKLESS DISREGARD FOR THE TRUTH ENTITLE DEFENDANT TO A *FRANKS* HEARING.**

“A defendant is entitled to a *Franks* hearing if he: 1) makes a substantial preliminary showing that the affiant knowingly and intentionally, or with reckless disregard for the truth, included a false statement or material omission in the affidavit; and 2) proves that the false statement or material omission is necessary to the probable cause finding in the affidavit.” *United States v. Piroso*, 787 F.3d 358, 369 (6th Cir. 2015).

Notably, this search warrant was obtained utilizing an affidavit, which was vague, nebulous, and conclusory in nature, and had absolutely zero direct nexus to any criminality.

The affidavit referenced a number of purported occasions during which Defendant D1 – Delgado allegedly met with his supplier. However, these allegations are without merit, unsubstantiated, and undeniably made in reckless disregard for the truth.

Furthermore, pole camera footage, which is still outstanding, is referenced in furtherance of this warrant. Based upon this, preserving this issue until receipt and review of outstanding discovery, is appropriate.

**REQUEST FOR RELIEF:**

**WHEREFORE**, Defendant Ricardo Delgado respectfully requests that this Honorable Court conduct a *Franks* hearing on these matters, and enter an Order suppressing all evidence, as well as the poisonous fruit thereof; and prohibit introduction into evidence or any references thereto at the trial of these matters.

Respectfully submitted,

s/ Edward Martell, Esq.

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 2023, I electronically filed the foregoing document with the Clerk of the Court via the ECF filing system, which will send notification of filing to all attorneys of record.

Respectfully submitted,

s/ Edward Martell, Esq.  
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Dated: June 16, 2023